

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of June 20, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 1, 13, 15-17, 20, 25 and 26 have been amended. Claims 1-26 remain in the Application.

In paragraph 2, page 2, of the Office Action, Claims 1-6, 8, 10, 11, 20-24, 26 were rejected under 35 U.S.C. § 102 (e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas over U.S. Patent No. 6,553,077 to Rindsberg. Patsiokas and Rindsberg disclose some of the elements of what is claimed, but they fail to teach, suggest or contemplate either individually or in combination the simultaneous display and update of associated data for a plurality of channels on a graphical user display as amended.

Furthermore, Both Patsiokas and Rindsberg are assigned to the same Applicant herein, namely XM Satellite Radio. As it appears that the Examiner is attempting to obviate such claims, the Applicant refers the Examiner to the following:

The MPEP section 706.02(I)(1) "Rejections Under 35 U.S.C. 102(e)/103; 35 U.S.C. 103(c):

35 U.S.C. 103 Conditions for patentability; non-obvious subject matter.

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, since the current application is subject to an obligation of assignment to the same entity, it is believed that at least one or possibly both references cited are

disqualified as prior art. Notwithstanding the applicability of section 103c, the previously noted distinction also provides a separate basis for overcoming the examiner's rejection.

In paragraph 3, page 5, of the Office Action, Claim 7 was rejected under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas and U.S. Patent No. 6,553,077 to Rindsberg in view of U.S. Patent No. 6,549,774 to Titlebaum. The arguments noted above are equally applicable to this rejection and therefore the Applicant reiterates the arguments above.

In paragraph 4, page 5, of the Office Action, Claim 9 was rejected under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas and U.S. Patent No. 6,553,077 to Rindsberg in view of U.S. Patent Publication No. 2002/0057367 to Baldock. The arguments noted above are equally applicable to this rejection and therefore the Applicant reiterates the arguments above.

In paragraph 5, page 6, of the Office Action, Claim 15 was rejected under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas in view of U.S. Patent Publication No. 2002/0057367 to Baldock. The arguments noted above are equally applicable to this rejection and therefore the Applicant reiterates the arguments above. Furthermore, the Applicant notes that Baldock is applicable to video output and claim 15 had been amended to claim an audio output. In that regard, Baldock might be considered non-analogous art. Further, the combination of Patsiokas and Baldock individually or in combination fails to teach, suggest, or contemplate such claimed combination as recited in claim 15 and its independent claim.

In paragraph 6, page 7, of the Office Action, Claim 19 was rejected under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas in view of U.S. Patent No. 6,549,774 to Titlebaum. The arguments noted above are equally applicable to this rejection and therefore the Applicant reiterates the arguments above.

In paragraph 8 of the Office Action, Claims 13-14, 16-18 and 25 were rejected under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent Publication No. 2004/0266336 to Patsiokas. Once again, the arguments noted above are equally applicable to this rejection and therefore the Applicant reiterates the arguments above. With respect to claim 17, the claim has been amended to enable the simultaneous viewing of a plurality of channel numbers, a plurality of artist names, a plurality of song titles, a plurality of channel names, a plurality of categories, and a plurality of use percentages. Clearly, Patsiokas fails to suggest, mention or contemplate the display of the plurality of use percentages in addition to the other data elements in a manner where such data is updated and displayed simultaneously or in rapid succession.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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